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SMITH

T.S.



Drawn by H. H. Pickersgill.

JEREMY BEN THAM,
Born 15th Feb^y 1747.
Died 6th June, 1832.

On Stone by W. J. T. Taylor.

(11)

A L E C T U R E

DELIVERED OVER THE REMAINS

OF

JEREMY BENTHAM, ESQ.,

IN THE

Webb=Street School of Anatomy & Medicine,

ON THE 9TH OF JUNE, 1832.

BY

SOUTHWOOD SMITH, M.D.,

PHYSICIAN TO THE LONDON FEVER HOSPITAL, AND TEACHER OF PHYSIOLOGY
AND FORENSIC MEDICINE,
ETC. ETC. ETC.

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A LECTURE,

&c. &c.

THE occasion on which we are now met in this place, and the circumstances under which we meet, are remarkable and affecting.

There lie before us the mortal remains of one of the most illustrious men of our country and of our age. And that body, once animated by the master-spirit that now animates it no more, why is it here? Why, instead of being committed to the tomb, is it in this school of science? Why is it appropriated to the advancement of that particular science which is taught within these walls, to the study of which most who now hear me are devoted, and in the advancement of which all of us have the deepest interest?

Because, when the great and benignant mind that animated this now lifeless body was in its full vigour, such was the appropriation of it, calmly, deliberately,

and solemnly determined on, by that mind itself;* and the circumstances which render this disposal of the body remarkable, are the extraordinary eminence of the individual, and the extraordinary degree in which this act harmonises with the peculiar character of his mind and the entire conduct of his life. By this act, he carries by his own personal example, to the utmost extent to which it is possible for a human being to carry his example, the great practical principle for the development and application of which he has raised to himself an immortal name.

Were I to yield to the impulse of the feelings which at this moment fill my heart, I should dwell only on considerations tending to soothe if they cannot satisfy the mind at the sight of death—the death of the wise and good—the profoundly revered and the

* This disposal of his body by the deceased was not a recent act. By a will dated as far back as the year 1769, it was left for the same purpose to his friend Dr. Fordyce. The reason at that time assigned for this, is expressed in the following remarkable words:—"This my will and special request I make, not out of affectation of singularity, but to the intent and with the desire that mankind may reap some small benefit in and by my decease, having hitherto had small opportunities to contribute thereto while living." By a memorandum affixed to this document, it is clear that it had undergone his revision as lately as two months ago, and that this part of it was again deliberately and solemnly confirmed.

tenderly beloved. But I have another and a more difficult task to perform. There are rites which it is deemed fitting duteously and piously to pay over the corpse of the hero : for the first time, I have to perform those which would seem peculiarly appropriate to that of the sage.

In bearing to the tomb the mortal remains of the warrior, it has been the custom to place on the pall that covers them, the sword by which he has achieved his victories ; he who is now before you asleep in death has been a warrior : ignorance, error, prejudice, imposture, selfishness, vice, misery—these are the foes with which he has combatted. Maleficent too generally have been the results of the conquests of the warrior : beneficent are the results of the triumphs of this moral victor. I propose to direct your attention to the nature of those results, and to the principle by which his triumphs have been achieved.

When I consider, that although some who now hear me are well acquainted with those results and with their principle, yet that to most of you they cannot be familiar ; that the peculiar and absorbing studies in which you are engaged, have left you but little leisure for investigating the nature and tracing the progress of moral science ; that, nevertheless, there is a close relation between that science and

your own ; that the occasions are neither infrequent nor unimportant in which an acquaintance with psychological and moral phenomena is indispensable to the due performance of the duties of the physician ; that oftentimes the medical practitioner cannot possibly apply his peculiar knowledge, however accurate and extended, to the accomplishment of the only real object of it—the mitigation of human suffering and the increase of human happiness—without attention to the laws which regulate the formation, the suggestion, and the succession of the trains of pleasurable and painful thought ; when too I consider in how favourable a position the physician is placed for observing mental phenomena in some of their most interesting combinations, and thereby for extending the very science which may afford him such material aid in the practice of his own ; and when, finally, I consider the anxiety which the great master of moral science has expressed for the improvement of the art and science of medicine—expressed so impressively, so affectingly, by this his last act—I cannot but deem it appropriate to this occasion, and in accordance with the spirit of the example which he has set us, that before I proceed to the more immediate object of our meeting, I should advert to the sciences which he has so diligently cultivated, and especially, that I should

state and illustrate the principle to which I have alluded—that great principle, by the application of which he has obtained results that have justly caused him to be regarded as the foremost among the benefactors of the human race with which the world has ever yet been blessed.

Nature has placed mankind under the governance of two sovereign masters, Pain and Pleasure : these two masters govern us in all we do, in all we say, in all we think. It is for these sovereign masters to point out what we ought to do, as well as to determine what we shall do. This their authority is secured in and by our very nature as sentient beings. Sentient beings are impelled to action either by their sensations, or by the copies of their sensations, termed ideas. Sentient beings do and must prefer the state of pleasurable sensation, and the presence of pleasurable ideas, to the state of painful sensations and the presence of painful ideas. Sentient beings seek, as the ultimate object and end of all their actions, the attainment of the former and the avoidance of the latter. Man is governed by the same law as all other sentient creatures. The only actual, as well as the only right and proper end of action, in every individual man, is the ultimate attainment of his own greatest happiness : the all-comprehensive, as well as the only right and proper end of the social union, or

of the combination of individual men into that great aggregate which constitutes a community, is the attainment of the maximum of the aggregate of happiness ; the attainment of the maximum of the aggregate of happiness, by the attainment of the maximum of individual happiness.

This then is the principle which this philosopher assumed as the standard of, and the guide to, every thing that is good in relation to human beings—CONDUCTIVENESS TO THE MAXIMUM OF THE AGGREGATE OF HAPPINESS. This principle he laid down as the foundation on which to establish morals, legislation, and government.*

Now, what the principle of gravitation is to the whole field of physical science, the principle of felicity is to the whole field of moral science ; and what Newton did when he discovered that the countless phenomena of the physical world have the former for their cause and governance, that Bentham did when he discovered that the countless phenomena of the moral world have the latter for their cause and

* This principle is designated “ the Greatest-Happiness Principle ;” and it is called “ all-comprehensive,” because it includes every interest of every individual. It is also termed “ the Principle of Felicity ;” a much better name for it than that of “ Utility,” by which also it is, perhaps, the most commonly denominated.

governance. As Newton saw that the apple falls from the tree to the ground by the operation of the same power that moves the planets in their course, so Bentham saw that, as his own greatest happiness at each moment is the only actual end of action in every sentient creature, so it is the pursuit of this end that can alone secure the maximum of the aggregate of happiness. In the former principle, the great philosopher of physical nature discovered the source and the solution of all the complicated phenomena that fixed his delighted attention on the earth and in the heavens. In the latter principle, the great philosopher of human nature discovered the sure and certain guide to the attainment of the ultimate object of all sound morality, all wise legislation, and all good government—the improvement of the human being, the security and augmentation of human enjoyment. The principle of gravitation was known before Newton lived, but the extent of its operation was not perceived: the grand benefit which this philosopher achieved for the science of physics was, that he showed this principle to be what it really is, all-comprehensive; that he applied it not only to the exposition of the phenomena observable in all bodies in the immediate neighbourhood of the earth, but also to the exposition of phenomena observable in the heavenly bodies; that he

assumed it as the great cause not only of the motions and situations of the several component parts of bodies, but also as the great cause of the motions and situations of all bodies whatsoever, considered as wholes, or each in its totality. In like manner, the fact that every sentient being aims in all his actions at his own greatest happiness, and that the object of enlightened benevolence is to promote and secure the greatest happiness of the greatest number, was known and recognised before Bentham wrote; but the grand benefit which this philosopher achieved for the science of morals was, that he demonstrated this principle to be what it really is, but what it had never before been recognised as being, all-comprehensive; the sole foundation of morals, the sole test of every thing that is good, and of every thing that is evil, in individual or private conduct, in legislative enactment, in the form or the measures of government—in a word, in the totality of human aim and action.*

* Newton's doctrine, expressed in his own words, and in the form of propositions, is—"By attraction, combined with repulsion, the motions and situations of the several component parts of each body are determined. By attraction, combined with original impulse, the motions of the heavenly bodies (considered as wholes, or each in its totality) are determined." Bentham's doctrine, expressed in his own words, and in the form of proposition, is—"His own greatest happiness at each moment is the only actual end of action in every sensitive being. The

The discovery and application of the true physical law at the foundation of all physical phenomena, has produced a total revolution in the philosophy of physics. The discovery and application of the true psychological law, equally at the foundation of all mental phenomena, is destined to produce a like revolution in the philosophy of morals. Before the principle announced by Newton, as affording the true exposition of the constitution and motion of all phy-

all-comprehensive and only right and proper end of government, is the greatest happiness of the members of the community ; the greatest happiness of all of them, without exception, in as far as possible: the greatest happiness of the greatest number of them, on every occasion in which the nature of the case renders the provision of an equal quantity of happiness for every one of them impossible: it being rendered impossible, by its being matter of necessity to make sacrifice of a portion of the happiness of a few, to the greater happiness of the rest.”

The first teacher of the greatest-happiness principle was the author of the precepts—“ Love your neighbour as yourself. Do unto others as you would they should do unto you. Render not evil for evil, but do good even to them that hate you and despitefully use you.” The second teacher of it was the author of the aphorisms—“ The only end of human action is to obtain pleasure, and to avoid pain. The only proper end of legislation, government, morals, and religion, is to maximise pleasure and to minimise pain. The true wisdom of every individual man is to seek his own happiness in the happiness of others. The unerring guide to him in this pursuit is, the conduciveness of an action, ascertained by experience of it, to produce pure pleasure, that is, unmixed pleasure ; pleasure unalloyed with pain.”

sical bodies, has already fallen every other theory, how remote soever the antiquity in which it took its origin, how plausible soever the solution it gave of apparent but deceptive phenomena, how great soever the ability with which it had been defended, and the authority by which it had been sanctioned: before the principle announced by Bentham, as affording the only true theory, and directing to the only right and proper object and end of morals, legislation, and government, is destined to fall every INSTITUTION, however ancient, how much-soever eulogised, how deeply-soever venerated, by whomsoever pronounced to be the perfection of human reason, which is not really conducive to human happiness; every LAW, constitutional, civil, and penal, with whatever danger to partial and sinister interests its abrogation may be pregnant, which is not conducive to security, to liberty, and to justice; every MODE OF PROCEDURE in the administration of the law, which does not render justice accessible, speedy, and cheap—which does not minimise delay, vexation, and expense; every RULE OF CONDUCT, whether relating to public or to private life, the observance of which does not tend to educe, from the source of pleasure it is intended to regulate and control, the largest obtainable amount of felicity, and to exclude, in the completest degree, the corresponding pain with which

almost every pleasure is but too apt to be linked ; every SANCTION, physical, judicial, moral, and religious, which does not secure, at the smallest cost of suffering, the most perfect and uniform conformity of the general will and action to the appointed rule.

And, in like manner, upon this same principle, will ultimately be established whatever institution, law, procedure, rule, and sanction, human sagacity and experience may prove to be productive of happiness and exclusive of misery, however its adoption may be obstructed for a time by ignorance, by sinister interest, and by prejudice growing out of such interest.

And had the human mind applied itself with all its faculties, with all the energy which those faculties are capable of putting forth, with sincerity of purpose, and with perseverance, to the adoption of institutions, laws, procedures, rules and sanctions, having such, and only such ends in view ; had it devoted itself to this pursuit, from that point of civilisation in the history of our race which is compatible with labour of this sort, up to the present hour, what would now have been the condition of human society ! What would now have been the amount of obtainable felicity, felicity actually and hourly enjoyed by the millions of human beings that make up that vast aggregate !

If, in every community, in proportion as it advanced in civilisation, every institution, constitutional and social; every law, civil and penal; every mode of procedure, judicial and criminal; every rule of action, public and private; every sanction, physical, penal, moral, and religious, had been framed with the sole purpose of securing “the greatest happiness of all its members, the greatest happiness of all of them, without exception, in as far as possible, and the greatest happiness of the greatest number of them on every occasion in which the nature of the case renders the provision of an equal quantity of happiness for every one of them impossible;” framed with this view, with all the intellectual power which might have been engaged in this service, aided by all the experience accumulated from generation to generation, and to the stores of which every hour of every day must, without ceasing, add; framed, that is, with all the wisdom at all times at command, wisdom necessarily approximating to perfection, with the progression of time—had this been done, not to speak of new sources of pleasure which might, and which probably would have been opened, but of which we have now no conception; not to speak of new creations of felicity, the existence of which, however within the range of possibility, must be admitted to be imaginary, until

actually in existence; not to speak of any pleasures, the reality and the value of which are not well known and duly appreciated—had the real, the uniform purpose, been what I have been supposing, how many pleasures, now within the reach only of the few, would then have been in the possession of the many; and how many pains, from which only the few have now the means of security, would then have been averted from all!

The contrast thus presented to the mind, between the condition of the great mass of human beings as it is, as it might have been, and as it actually would have been, had legislators and moralists aimed at the right end, and pursued it with singleness and sincerity, will be contemplated by every man with a degree of pain proportioned to the strength of his understanding, and the intensity of his sympathy.

At an age when the intellectual power which he felt within him was in its freshness, when the moral affections which warmed his heart were unchilled by contact with the world—when the affectionate sympathy for his fellow-beings, which formed so large a part of his consciousness, and which subsequently became the ruling passion of his life, was in its first ardour, this contrast, in its full force, was brought before the view of this illustrious man. Destined by

the will of his father to the study and practice of the English law, he commenced the study, and entered on the practice. But what was the position in which he found himself placed? What, when examined by a simple and clear understanding—what, when the practical operation of it came to be witnessed by a pure and benevolent heart—was the English law? Like every one else for ages past, he had been told that it was the perfection of human reason. According to those who taught it, according to those who practised it, according to those who subsisted by it, according even to those who suffered by it—suffered evils countless in number and measureless in extent, it was matchless alike for the purity of its aims, and the efficiency of the means provided for their accomplishment; it was a fabric reared by the most exalted intellects; reared with incredible labour, through a long succession of ages, with a difficulty not to be estimated, yet with a skill so admirable, and a result so felicitous, as had never before been witnessed in any work merely human. The understanding that did not bow down before it, that did not worship it with prostrate reverence, was low and base: the hand that was raised to touch so much as a single particle of it, to change it, was profane. It was the master-production of the matured, experienced, and virtuously-

disposed human mind; it was the wonder and perfection of civilisation; it gave to this blessed country that amazing amount of felicity, by the enjoyment of which its people have been so long distinguished from all other people in the world, making them the glory of the earth, the envy of the surrounding nations.

Such was the language universally held, and the doctrine universally inculcated; and that not merely with religious ardour, but with enthusiast zeal; and inculcated alike from the humble desk of the village school, and the pulpit, the bar, the bench, the senate, and the throne.

And yet the English law thus idolised, when the substance of it came to be examined by a simple and clear understanding—when the mode of administering it came to be witnessed by a pure and benevolent heart, what was it found to be? The *substantive* part of it, whether as written in books or expounded by judges, a chaos, fathomless and boundless; the huge and monstrous mass being made up of fiction, tautology, technicality, circuitry, irregularity, and inconsistency: the *administrative* part of it, a system of exquisitely contrived chicanery; a system made up of abuses; a system which constantly

places the interest of the judicial minister in opposition to his duty ; so places his interest in opposition to his duty, that in the very proportion in which it serves his ends, it defeats the ends of justice; a system of self-authorised and unpunishable depredation; a system which encourages mendacity, both by reward and punishment; a system which puts fresh arms into the hands of the injurer, to annoy and distress the injured; in a word, a system which maximises delay, sale, and denial of justice.

“ Shall I uphold this vile system ? ” said this just and benevolent man. “ Shall the prospect of obtaining wealth, shall the hope of being what is called rewarded with titles and honours, tempt me to assist in perpetuating it ? Shall I do what in me lies to extend the wide-spread misery which flows from it ? No. I will exhibit it in its true shape ; I will strip off the veil of mystery which has so long concealed its deformity ; I will destroy it. I will do more. For this chaos I will substitute order ; for this darkness, light ; for this evil, good. THE MAXIMUM OF THE AGGREGATE OF HAPPINESS—by this test I will try evil and good ; this shall be my standard, this my guide. I will survey the entire range of human feelings and volitions—such at least as can assume the shape of actions ; and as they pass in review before

me, I will determine by this rule what shall be sanctioned, and what prohibited. I will rear the fabric of felicity by the hands of reason and of law !”

With powers of mind fitted for an undertaking thus stupendous, such as in no age or country had ever before been equalled, or even so much as approached ; with an ardour and energy such as in no cause, bad or good, had ever been surpassed, he betook himself to the accomplishment of this work. No difficulty stopped him ; no danger appalled him ; no labour exhausted him ; no temptation, whether assuming the shape of good or of evil, moved him ; fortune he disregarded ; the pursuit of what is called pleasure he renounced ; praise could as little bend him from his course, as blame could check it ; human fear, human favour, had no control, no influence over him ; human happiness was his object, judicial institution his means ; and the completeness with which he has succeeded in developing the means, is comparable only to the beneficence of the end.

In order to create, it was necessary that he should destroy ; in order to build up, it was necessary that he should pull down ; in order to establish law as it ought to be, it was necessary that he should demolish law as it is. Alone he went to the assault, alone he

carried it on ; every weapon, every mode of attack—ridicule, reasoning, invective, wit, eloquence, sarcasm, déclamation, demonstration—all were pressed into his service, and each in its turn became in his hands a powerful instrument. His efforts were regarded first with astonishment, next with indignation. When he was no longer looked upon as a madman, he was hated as an enemy. He was endeavouring to subvert the most glorious of human institutions ; institutions which had raised his country to the highest pinnacle of power and happiness ; institutions which time, and the experience which time matures, had shown to be at least the nearest approach to perfection which the wit of man had ever devised. Such declarations (and such declarations were made in abundance, and were reiterated with all the eloquence which large bribes given now, and larger bribes promised in future, could secure) did but redouble his efforts to expose the delusion ; to show that reason had seldom any thing to do in the construction of the institutions thus idolised ; that they seldom aimed at the right end, and still seldomer provided adequate means to accomplish the end even as far as the aim was right. Long and earnestly did he labour without any apparent effect ; but at last some impression was made ; the scales fell from the eyes of men of

powerful intellects in commanding stations ; the imposture became palpable ; the monstrous idolatry before which men had allowed their understandings and their affections to fall prostrate, was seen in its true shape. A revulsion of feeling followed. Point after point was submitted to rigorous examination. Champion after champion stood forth in defence of each ; champion after champion was driven from his position, however impregnable he thought it ; and now, scarcely a single champion remains. The cumbrous fabric is abandoned ; it totters to its fall ; it is undermined ; it is known to be so. The general admission is, that the law of England, as it is, cannot stand ; that it must be taken down, and re-constructed. Glory to the hand that has destroyed it ! Glory to the hand that has built up the beautiful structure reared in its place !

I will endeavour in few words to give you some conception of the foundation of this new structure ; of its main compartments ; of its form, such as it has assumed in the hands of its architect, now capable of no further labour. Happily, however, as you will see, what remains to complete the edifice can be furnished by other hands.

Comprehending in his view the entire field of

legislation, this legislator divided it into two great portions—internal law, and international law; internal law including the legislative ordinances that concern an individual community; international law, those that concern the intercourse of different communities with each other. His chief labour was directed to the construction of an all-comprehensive system or code (that is, law written and systematic) of internal law. Under the term PANNOMION, a term derived from two Greek words, signifying “the whole body of the laws,” he has constructed such a code. This all-comprehensive code is divided into four minor codes; the constitutional, the civil, the penal, and the administrative. The constitutional code includes the several ordinances which relate to the form of the supreme authority, and the mode by which its will is to be carried into effect. The civil code includes the several ordinances which relate to the creation or constitution of rights, and is termed the *right*-conferring code. The penal code includes the several ordinances which relate to the creation or constitution of offences, and is termed the *wrong*-repressing code. The administrative code includes the several ordinances which relate to the mode of executing the whole body of the laws, and is termed the code of procedure. CONDUCTIVENESS TO THE MAXIMUM OF

THE AGGREGATE OF HAPPINESS—that is the end in view. Each code is a distinct instrument specially adapted to secure this end. Each code has not, indeed, been left by him in a state of completeness; but in no part of either, as far as it has been developed, is place given to a single enactment which has not for its object, immediately or remotely, the production of pleasure and the exclusion of pain. In no part, either of what he has himself done, or marked out to be done by others, is any thing commanded—in no part is any thing forbidden, but as it is, and in as far as it is, conducive to or subversive of happiness;—no constitutional provision, determining the form of the government and the mode of its operation—no action, bearing the seal of approbation or of disapprobation, selected as the subject of reward or of punishment, which is not brought to this standard and tried by this test. It is only as the details under these two great divisions are studied, that it is possible to form a conception of the steadiness with which this end is kept in view, and the wisdom with which the means devised are adapted to secure it. To the civil code he has done the least; but even of this he has laid the foundation, and provided important materials for building up the fabric. For the constitutional code he has done enough to render its completion

comparatively easy ; while the all-important branches of Offences, of Reward and Punishment, of Procedure, of Evidence, have been worked out by him with a comprehensiveness and minuteness which may be said to have exhausted these subjects, and to have left little or nothing in relation to them for any other man to do or to desire.*

But his labours did not terminate here. He found the science of morals in the same state of darkness as that of legislation. The Fitness of Things, the Law of Nature, Natural Justice, Natural Equity, Good Order, Truth, the Will of God—such were the tests of good and evil, the standards of right and wrong, heretofore assumed by moralists. Every different moralist had a different fancy which he made his standard, and a different taste which he made his test of good or evil ; and the degree of conformity or non-conformity to that taste, the indication of the

* It will be long before the mass of educated people in this country are sufficiently advanced to read and appreciate these profound and admirable works ; but the time is not distant, when, however they may be now neglected by the present members of our legislature, it will be universally deemed alike absurd and disgraceful for any man to aspire to the character, much less to the seat of a legislator, who has not made them his study.

degree of desert, and consequently the measure of reward and punishment.*

* In his work on Legislation and Morals, this philosopher had long ago laid down the principle of felicity as the basis of morals, and shown that all other foundations attempted to be established, different as they are, and even opposite as they seem to be, to each other, are capable of being reduced to two—asceticism and sentimentalism. The principle of asceticism, like that of felicity, approves or disapproves of an action according to its tendency to augment or diminish happiness, but in an inverse manner; approving of an action in as far as it tends to diminish happiness, disapproving of it in as far as it tends to augment it. Whoever reprobates any the least particle of pleasure, as such, from whatever source derived, is, *pro tanto*, a partisan of the principle of asceticism. The principle of felicity is capable of being consistently pursued, that of asceticism is not. Let but one-tenth part of the inhabitants of this earth pursue it consistently, and in one day's time they will have turned it into a hell.

By the principle of sentimentalism is meant that principle which approves or disapproves of an action, not on account of its tendency to augment or to diminish happiness, but because a person finds himself disposed to approve or disapprove of the action in question; that approbation or disapprobation being assumed as sufficient of itself, and the necessity of looking out for any external ground being expressly disclaimed. This is not so much a positive principle, as a term employed to signify the negation of all principle. A principle is something which points out some external consideration as a means of warranting and guiding the internal sentiment of approbation and disapprobation; but that which merely holds up each of these sentiments as a ground and standard for itself, is not worthy of the name.

In examining the catalogue of human actions with a view of

But by establishing the foundation of morals on the principle of felicity ; by showing that every action

determining which are to be marked with the seal of disapprobation, (says a partisan of this principle,) you need but to take counsel of your own feelings. Whatever you find in yourself a propensity to condemn, is wrong for that very reason. For the same reason, it is also meet for punishment. The proportion in which it is adverse to happiness, the not being adverse to happiness at all, is of no manner of consequence. The degree of disapprobation you feel, is also the measure of punishment. If you hate much, punish much ; if you hate little, punish little : punish as you hate. If you hate not at all, punish not at all. The fine feelings of the soul are not to be outborne and tyrannised by the hard and rugged dictates of political utility.

The various principles that have been formed concerning the standard of right and wrong, may all be reduced to this principle of sympathy and antipathy. One account may serve for all of them. They all consist in so many contrivances for avoiding the obligation of appealing to any external standard, and in referring to the sentiment of approbation or disapprobation as the ultimate reason or the true standard. It is curious to observe the variety of inventions contrived for this purpose ; the phrases different, the principle the same.

Thus, one man says he has a thing made on purpose to tell him what is right and what is wrong, and that it is called a *moral sense* ; and then he goes to work at his ease, and says such a thing is right, and such a thing is wrong—Why ? “ Because my moral sense tells me it is.”

Another man comes, and alters the phrase ; leaving out *moral*, and putting in *common* in the room of it. He then tells you that his common sense teaches him what is right and wrong as surely as the other’s moral sense did ; meaning by common sense, a sense of some kind or other, which, he says, is possessed by all mankind : the sense of those whose sense is not the same as

is right or wrong, virtuous or vicious, deserving of approbation or disapprobation, in proportion to its ten-

the author's, being struck out of the account as not worth taking. This contrivance does better than the other; for a moral sense, being a new thing, a man may feel about him a good while without being able to find it out. But common sense is as old as the creation; and there is no man but would be ashamed to be thought not to have as much of it as his neighbours. It has another great advantage—by appearing to share power, it lessens envy; for when a man gets up upon this ground, in order to anathematise those who differ from him, it is not by a *sic volo sic jubeo*, but by a *velitis jubeatis*.

Another man comes, and says, that as to a moral sense, indeed, he cannot find that he has any such thing; that, however, he has an *understanding*, which will do quite as well. This understanding, he says, is the standard of right and wrong—it tells him so and so. All good and wise men understand as he does; if other men's understandings differ in any point from his, so much the worse for them—it is a sure sign they are either defective or corrupt.

Another man says, that there is an eternal and immutable Rule of Right; that that rule of right dictates so and so; and then he begins giving you his sentiments upon any thing that comes uppermost; and these sentiments (you are to take for granted) are so many branches of the eternal Rule of Right.

Another man, or perhaps the same man, (it is no matter,) says, that there are certain practices conformable, and others repugnant, to the Fitness of Things; and then he tells you, at his leisure, what practices are conformable, and what repugnant: just as he happens to like a practice, or dislike it.

A great multitude of people are constantly talking of the Law of Nature; and then they go on giving you their sentiments about what is right and what is wrong: and these sentiments, you are to understand, are so many chapters and sections of the

dency to increase or to diminish the amount of happiness, this philosopher supplied what was so much

Law of Nature. Instead of the phrase Law of Nature, you have sometimes Law of Reason, Right Reason, Natural Justice, Natural Equity, Good Order. Any of them will do equally well.

We have one philosopher who says, there is no harm in any thing in the world but in telling a lie; and that if, for example, you were to murder your own father, this would only be a particular way of saying, he was not your father. Of course, when this philosopher sees any thing that he does not like, he says, "It is a particular way of telling a lie: it is saying that the act ought to be done, when, *in truth*, it ought not to be done."

The fairest and openest of them all is that sort of man who speaks out, and says, "I am of the number of the Elect: now God himself takes care to inform the Elect what is right; and that with so good effect, that, let them strive ever so, they cannot help not only knowing it, but practising it. If, therefore, a man wants to know what is right and what is wrong, he has nothing to do but to come to me."

The mischief common to all these ways of thinking and arguing (which, in truth, as we have seen, are but one and the same method, couched in different forms of words) is their serving as a cloak, and pretence, and aliment to despotism: if not a despotism in practice, a despotism, however, in disposition, which is but too apt, when pretence and power offer, to show itself in practice. The consequence is, that, with intentions very commonly of the purest kind, a man becomes a torment either to himself or his fellow-creatures. If he be of the melancholy cast, he sits in silent grief, bewailing their blindness and depravity; if of the irascible, he declaims with fury and virulence against all who differ from him; blowing up the coals of fanaticism, and branding with the charge of corruption and

needed in morals, at once an infallible test and an all-powerful motive. Happiness is the standard and

insincerity every man who does not think, or profess to think, as he does.

“ I feel in myself,” say you, “ a disposition to approve of such or such an action in a moral view; but this is not owing to any notion I have of its being a useful one to the community. I do not pretend to know whether it be an useful one or not: it may be, for aught I know, a mischievous one.” “ But is it then,” say I, “ a mischievous one? Examine; and if you can make yourself sensible that it is so, then, if duty means any thing, that is, moral duty, it is your *duty*, at least, to abstain from it; and more than that, if it is what lies in your power, and can be done without too great a sacrifice, to endeavour to prevent it. It is not your cherishing the notion of it in your bosom, and giving it the name of virtue, that will excuse you.”

“ I feel in myself,” say you again, “ a disposition to detest such or such an action in a moral view; but this is not owing to any notion I have of its being a mischievous one to the community. I do not pretend to know whether it be a mischievous one or not: it may be not a mischievous one; it may be, for aught I know, an useful one.” “ May it indeed,” say I, “ be an useful one? But let me tell you then, that unless duty, and right and wrong, be just what you please to make them, if it really be not a mischievous one, and any body has a mind to do it, it is no duty of yours, but, on the contrary, it would be very wrong in you, to take upon you to prevent him. Detest it within yourself as much as you please—that may be a very good reason (unless it be also an useful one) for your not doing it yourself. But if you go about, by word or deed, to do any thing to hinder him, or make him suffer for it, it is you, and not he, that have done wrong; it is not your setting yourself to blame his conduct, or branding it with the name of vice, that will make him culpable, or you blameless.”—*Introduction to the Principles of Morals and Legislation*, p. 28 et seq.

the test, happiness is equally the motive ; can there be, if this be not a certain test ? can there be, if this be not an all-powerful motive ? Conduciveness to happiness—this it is that constitutes the goodness of an action ; this it is that renders an action a duty ; this it is which supplies a motive to the performance of duty not to be resisted. I am satisfied that a particular course of conduct will conduce to my happiness : do I need any other inducement to make me pursue that course ? can I resist the influence of this inducement ? No. As long as this is my conviction, as long as this conviction is present to my mind, it is no more possible for me to refrain from pursuing the course of conduct in question, than it is possible for my body to refuse to obey the law of gravitation.

The object of the science of morals, then, is to show what is really conducive to happiness ; the happiness of every individual man ; the happiness of all men taken together, considered as forming one great aggregate ; the happiness of all beings whatever, that are capable of the impression : for the science, in its enlarged sense, embraces not only the human race, but the whole of the sentient creation.*

* This is fully developed by the philosopher in a work which he has left in manuscript, entitled DEONTOLOGY (private), from the Greek words *το δεον*, “that which is proper,” and *λογια*, “knowledge,” meaning the knowledge of what is right or proper.

According to the felicitarian philosophy, there is no contrariety, and there never can be any real contra-

Morality, as a science, he defines, the knowing what is right or fit to be done ; as an act, the doing what is right or fit to be done ; and he makes the test of what is fit to be done on all occasions, the tendency of an action to produce happiness. There is reason to believe that this work, which is nearly ready for publication, is destined to exert on the thoughts, feelings, and actions of mankind, a greater influence than any production of his published during his life. I give a few quotations from this work, that the reader may form some conception of its aim and spirit.

“ The object of morality is to promote human happiness ; the happiness of every man ; nay, to extend the dominion of happiness wherever there is a being susceptible of its impressions. The chain of virtue will be found to girdle the whole of the sensitive creation ; the happiness we can communicate to the animals we call inferior, is intimately associated with that of the human race, and that of the human race is closely allied to our own.

“ Happiness is the possession of pleasure, with the exemption from pain. It is great in proportion to the aggregate of pleasure enjoyed, and of pain averted. And what is virtue ? It is that which most contributes to happiness ; that which maximises pleasure, and minimises pain. Vice, on the contrary, is that which contributes to unhappiness ; that which maximises pain, and minimises pleasure. Every pleasure is in itself good, and ought to be pursued ; every pain is in itself evil, and ought to be avoided.

“ The fact, that, after experience of its enjoyment, a man pursues a pleasure, is in itself evidence of its goodness.

“ Every act whereby pleasure is reaped, is, all consequences apart, good.

“ Every act by which pleasure is reaped, without any result of pain, is pure gain to happiness ; every act by which the results

riety, between happiness and duty. In the true and comprehensive sense of those terms, happiness

of pain are less than the results of pleasure, is good to the extent of the balance in favour of happiness.

“ Public instructors have usually erected for themselves, in the field of moral action, a high throne ; thence, in the character of absolute and infallible monarchs, they have dictated to the world below—sent out their commands and prohibitions for prompt and peremptory recognition. The wantonness of a political ruler has often been the topic of animadversion : the self-erected arbitrator, wielding, like the madman in his cell, his imaginary sceptre, is in truth more egregiously wanton ! A certain sense of responsibility, a power of reaction, may contest the despotism of an acknowledged ruler ; but where is the consideration which is to check the waywardness and presumption of the self-elected dictator of morals ?

“ His tone is the tone of the pedagogue or the magistrate. He is strong, and wise, and knowing, and virtuous. His readers are weak, and foolish, and ignorant, and vicious. His voice is the voice of power, and it is from the superiority of his wisdom that his power is derived.

“ And if all this were so without prejudice to the public, it might be the gratification of pride to the individual, pleasure to him, and so much pleasure gained. But the misfortune is, that the assumption of this authority has for its natural attendants indolence and ignorance. Even where precepts are founded on good reasons, the development of those reasons is a matter of considerable exertion and difficulty ; it is a task to which few have been found competent. But to set up laws and precepts is a task of no difficulty at all—a task to which all men are competent, the foolish as well as the wise—a task, indeed, which the foolish are most eager to engage in, for ignorance has no more convenient cloak than arrogance.

“ The talisman of arrogance, ignorance, and indolence, is to

and duty are identical ; always so ; and always necessarily so. They do not always appear to be so ; but it is the business of the moralist to show, that whenever an apparent contrariety exists, the appearance is delusive. When he has accomplished this, he has effected his end ; because, when he has accomplished this my will, my action as necessarily follows in the direction

be found in a single word, in an authoritative impostor often met with ; in the word ‘ought’—‘ought,’ or ‘ought not,’ as the case may be. By deciding ‘you ought to do this, you ought not to do it,’ is not every question of morals set at rest ?

“ But there is another word which has a talismanic virtue too, and which might be wielded to destroy many fallacious positions. ‘You ought, you ought not,’ says the dogmatist. ‘*Why ?*’ retorts the inquirer. Why ? To say ‘you ought,’ is easy in the extreme ; to stand the searching penetration of a ‘why,’ is not so easy.

“ ‘*Why ought I ?*’ ‘Because you ought,’ is the not unfrequent reply, on which the ‘why’ comes back again with the added advantage of having obtained a victory.

“ In deciding what is fit to be done, and commanding what shall be done, by this authoritative ‘ought,’ there is much profit and little pain ; little waste of toil, little waste of thought. Observation, inquiry, reflection—these are all superfluous—as superfluous as they are laborious. Folly and ignorance, the blindest folly and the most assuming arrogance, find themselves altogether at their ease. By these caterers to the moral taste, pleasures are ordered off the table, pains are ordered on instead of them ; just as, by the word of the physician of Baratania, the meat was marched away from the presence of the famished Sancho : but the physician of Baratania did not replace it by poison.”

which it is his purpose to guide it, as a stone projected from the earth necessarily falls to the earth again.

And the apparent contrariety between happiness and duty, from what does it arise? Either from the representation of that as happiness which is not happiness, or from the representation of that as duty which is not duty. And what is at the bottom of this misrepresentation? Either I take into view *only* my own gratification, to the exclusion of the gratification of others; or I take into view only my *immediate* gratification, to the exclusion of a higher gratification at some future period; or I commit both errors at once. Now, it is the business of the moralist to prevent me from falling into either; to make me acquainted with the cases in relation to which the gratification of others is essential to my own; in relation to which my own gratification must necessarily flow from the gratification of others; in relation to which, if I attempt to pursue my own gratification without taking into account the gratification of others, and more especially at the expense of their gratification, instead of securing happiness to myself, I shall be sure to involve myself in suffering: to make me acquainted in like manner with the cases in relation to which it is necessary that I should take a comprehensive view of happiness; that

I should consider not merely the pleasure of the moment or the hour, but the pleasure of the year, or the remainder of my life. To make these matters as clear to my understanding as the light of day is visible to my eye, is the business of the moralist; often, no doubt, a difficult task, because, although the connexion between a certain course of conduct, and happiness and misery, may be quite as real and quite as invariable as that between light and vision, yet, not being so immediate, the invariableness of the sequence is not so clearly seen by the mind. To bring this sequence out from the obscurity in which it may be involved, and to make it manifest; to discover and to show what moral antecedents are invariably followed by what moral sequents; to establish in the mind a conviction of this invariableness of connexion between the one and the other—this is the province of the moralist. As he multiplies the antecedents and sequents, in regard to which he makes out the fact that there is this invariableness of relation, he enlarges his science; in proportion to the completeness with which he fixes in the mind a conviction of this relation, he fulfils its end.

It is this which our great legislator and moralist ever kept steadily in view. Whatever it is for a man's happiness to do, or to abstain from doing, that, as a

legislator, he commands or forbids ; whatever it is for a man's happiness to do, or to abstain from doing, that, as a moralist, he makes it his duty to pursue or to avoid.*

* All laws, he says, which have for their end the happiness of those concerned, endeavour to make, and, in the degree in which they are wise and effective, actually do make, that for a man's happiness which they proclaim to be his duty. That a man ought to sacrifice his happiness to his duty, is a common position ; that such or such a man has sacrificed his happiness to his duty, is a common assertion, and made the groundwork of admiration. But when happiness and duty are considered in their broadest sense, it will be seen that, in the general tenor of life, the sacrifice of happiness to duty is neither possible nor desirable ; that it cannot have place ; and that if it could, the interests of mankind would not be promoted by it.

"Sacrifice, sacrifice !" is the demand of the every-day moralist. Sacrifice, taken by itself, is mischievous ; and mischievous is the influence that connects morality with suffering. Morality is, then, the most effective when it is the least painful. Its associations are cheerfulness and joy, not gloom and misery. The less of happiness is sacrificed, the greater must be the total sum of happiness. Let it be obtained *gratis* where it can ; where it cannot be had without sacrifice, let the sacrifice be as small as possible ; where the sacrifice will be great, let it be ascertained that the happiness will be greater. This is the true economy of pleasure ; this is the prolific cultivation of virtue.

In treating of morals, it has hitherto been the invariable practice to speak of man's duty, and nothing more. Yet, unless it can be shown that a particular action, or course of conduct, is for a man's happiness, the attempt to prove to him that it is his duty, is but a waste of words. Yet, with such waste of words has the field of ethics been filled. A man, a moralist, gets

In selecting, as a legislator, the subjects of reward and punishment, he is invariably guided by this prin-

into an elbow-chair, and pours forth pompous dogmas about duty and duties. Why is he not listened to? Because every man is thinking about interests. It is a part of his very nature to think first about interests. It is not always that he takes a correct view of his interests. Did he always do that, he would obtain the greatest possible portion of felicity; and were every man, acting with a correct view to his own interest, to obtain the maximum of obtainable happiness, mankind would have reached the millennium of accessible bliss, and the end of morality, the general happiness, would be accomplished. To prove that an immoral action is a miscalculation of self-interest—to show how erroneous an estimate the vicious man makes of pains and pleasures—this is the purpose of the sound and intelligent moralist. Unless he does this, he does nothing; for that a man should not pursue what he deems conducive to his happiness, is in the very nature of things impossible.

There is the like coincidence between selfishness and benevolence; between the self-regarding and the extra-regarding principle; between what may be termed self-regarding prudence, and efficient benevolence. The first law of nature is—Seek your own happiness. The united voices of self-regarding prudence and efficient benevolence add—Seek the happiness of others; seek your own happiness in the happiness of others.

The self-regarding affection is not only not a vice, but a virtue; and not only a virtue, but a virtue on which the very existence of the race depends. If I thought more about you than I thought about myself, I should be the blind leading the blind, and we should fall into the ditch together. It is as impossible that your pleasures should be better to me than my own, as that your eyesight should be better to me than my own. My happiness, and my unhappiness, are as much a part of me as any of my organs or faculties. What is demanded by prudence is, then,

ciple : that if, by misrepresentation of consequences, by erroneous reasoning, or by fear of punishment, whether

required by necessity. I could not continue to exist, but for the continuance of the selfish principle. Had Adam cared more for the happiness of Eve than for his own, and Eve at the same time more for the happiness of Adam than for her own, Satan might have spared himself the trouble of temptation; mutual misery would have marred all prospect of bliss, and the death of both have brought to a speedy termination the history of man.

And yet, to disregard the social affections—not to look to them as sources of happiness—not to seek happiness in them, is the capital error which it is the business of the moralist to correct. While engaged in the pursuit of immediate pleasure, and the avoidance of immediate pain, we may, for the sake of what is present, sacrifice a greater distant pleasure, or occasion a greater distant pain; for nature, artless and untutored nature, engages man in the pursuit of immediate pleasure, and in the avoidance of immediate pain. And while acting under the influence of the self-regarding affection, we may neglect or violate the social. It is the business of the moralist to prevent both of these errors; to place before the eyes of the actor a more correct and complete view of the probable future, than he is likely to obtain in the midst of present influences; to assist him in making reflections, and drawing conclusions; to point out ends which had not suggested themselves, and means by which those ends may be accomplished; to perform the duty of a scout, a man hunting for consequences—consequences resulting from a particular action or course of action, collecting them in the completest manner, and presenting them in the best form for use. In a word, as the whole of virtue consists in the sacrifice of a smaller present satisfaction, to a satisfaction of greater magnitude, but more remote, so the sum of moral science consists in establishing the true distinction between, and the ultimate and perfect coincidence of, prudence and benevolence. This is truly the spear of Ithuriel,

physical, moral, political, or religious, a man be prohibited from the enjoyment of any real pleasure, from whatever source derived, an injury is inflicted upon him equal in amount to the balance of pleasure of which he is deprived. For this reason, in no single instance, in any law proposed by him, is any thing commanded which is not, in some shape or other, conducive to pleasure ; nor any thing forbidden, which is not, in some shape or other, conducive to pain.

In like manner, in deciding, as a moralist, what is proper or improper, right or wrong, virtuous or vicious, he is guided by the principle, that every one must determine from his own experience what is pleasurable and what is painful ; that no one has a right to insist, that what is gratification to him, and *only* what is gratification to him, shall be gratification to another ; that for any man, in the capacity of a moralist, to say—" If I do this, I shall get no preponderance of pleasure ; but if you do this, you may get a prepon-

by which evil and good are made to present themselves in their own shapes. The self-regarding principle, which takes not into account the interests of others, which takes not into account any thing future, has as little in it of prudence as of benevolence ; it is truly the killing the goose for the golden egg. " Myself, myself "—" Now, now," are but the cries of insensibility to happiness ; and insensibility to evil—evil certain, though not instant, is a dear advantage to its possessor.—DEONTOLOGY.

derance of pleasure, yet it is not proper that you should do it," is absurdity : that if such moralist apply evil in any shape to prevent the act, it is injustice and injury ; that if he call in the powers of government to prevent the act, it is tyranny : that nevertheless there are pleasures which are pure, that is, unmixed with pain ; pleasures which are lasting ; pleasures which are cumulative, the very capacity for enjoying them continually increasing with the indulgence : that these are the truest, because the greatest pleasures ; that these deserve the most careful cultivation : but that to imagine that any pleasure can come from a bad source ; that whatever yields pleasure, that is, *preponderance* of pleasure, is not good—good for that reason, and in that proportion—is to despise one pleasure because it is not another, to despise a smaller pleasure because it is not a greater ; which is absurd. What a cultivation of happiness is here ! What true husbandry of it ! What a thorough rooting-out of the tares so often sown with the wheat while the legislator and the moralist have slept !

After this account of the labours of the philosopher, you will perhaps be desirous of knowing something of his private history and habits ; and there are some points relative to both, which now assume a peculiar interest.

JEREMY BENTHAM was born at the residence of his father, adjacent to Aldgate Church, in London, on the 15th of February, 1747-8, and died in Queen Square Place, Westminster, where he had resided nearly half a century, on the 6th of June, 1832, being in the 85th year of his age. He was a precocious child. At the age of three years, he read Rapin's History of England as an amusement. At the age of five, he had acquired a knowledge of musical notes, and played on the violin. At the age of seven, he read *Télémaque* in French. At the age of eight, he entered Westminster School, where he soon became distinguished. At the age of thirteen, he was admitted a member of Queen's College, Oxford, where he at once engaged in public disputations in the Common Hall, and excited, by the acuteness of his observations, the precision of his terms, and the logical correctness of his inductions, the surprise and admiration of all who heard him. At the age of sixteen he took his degree of A.B., and at the age of twenty that of A.M., being the youngest graduate that had at that time been known at either of the Universities. From early childhood, such was the contemplative turn of his mind, and the clearness and accuracy with which he observed whatever came under his notice, that at the age of five years he

had already acquired the name of “the philosopher,” being familiarly called so by the members of his family; and such, even in his youth, were the indications of that benevolence to which his manhood and his old age were consecrated, that a celebrated statesman, who at that period had conceived an affection for him, and with whom he spent most of his time during the interval of his leaving Westminster School and going to Oxford, speaks of him, in a letter to his father, in these remarkable words—“His disinterestedness, and his originality of character, refresh me as much as the country air does a London physician.”

The qualities which already formed the charm of his character, and which grew with his growth and strengthened with his strength, were truth and simplicity. Truth was deeply founded in his nature as a principle; it was devotedly pursued in his life as an object; it exercised, even in early youth, an extraordinary influence over the operations of his mind and the affections of his heart;* and it was the source of that

* Among other striking instances of this on record, the following example of it is related by himself:—“Of the University of Oxford I had not long been a member, when, by a decree of the Vice-Chancellor, in his Court, five students were, under the name of Methodists, expelled from it. Heresy and frequentation of *conventicles* were the only offences charged upon them. Taking the word *conventicle* for the place of meeting, these con-

moral boldness, energy, and consistency, for which, from the period of manhood to the close of life, he

venticles were so many private rooms, the small apartments of the several poor students—for poor they were. The congregation consisted of these same poor and too pious students, with the occasional addition of one and the same ancient female. The offence consisted in neither more nor less than the reading and talking over the Bible. The heresy consisted in this, viz. : that upon being, by persons sent to examine them, questioned on the subject of the Thirty-nine Church of England Articles, the sense which they put upon these articles was found to be in some instances different from the sense put upon those same articles by those their interrogators.” After having forcibly depicted the iniquity of this sentence, he proceeds thus : “ By the sentence by which those readers of the Bible were thus expelled from the University, that affection which at its entrance had glowed with so sincere a fervour—my reverence for the Church of England, her doctrine, her discipline, her universities, her ordinances, was expelled from my youthful breast. I read the controversy—I studied it—and, with whatever reluctance, I could not but acknowledge the case to stand exactly as above. Not long after, (for, at my entrance, that immaturity of age which had excused me from the obligation of signature, had excused me from the necessity of perjury,) came the time for my attaching my signature to the *Thirty-nine Articles*. Understanding that of such signature the effect and sole object was, the declaring after reflection, with solemnity and upon record, that the propositions therein contained were, in my opinion, every one of them true ; what seemed to me a matter of duty was, to examine them in that view, in order to see whether that were really the case. The examination was unfortunate ; in some of them, no meaning at all could I find ; in others, no meaning but one, which, in my eyes, was but too plainly irreconcilable either to reason or to Scripture. Communicating my distress to some of my fellow-colle-

was so distinguished. There was nothing in the entire range of physical, moral, or legislative science;

giates, I found them sharers in it. Upon inquiry, it was found that among the Fellows of the College there was one to whose office it belonged, among other things, to remove all such scruples. We repaired to him with fear and trembling. His answer was cold; and the substance of it was—that it was not for uninformed youths such as we, to presume to set up our private judgments against a public one, formed by some of the holiest as well as best and wisest men that ever lived. When, out of the multitude of his attendants, Jesus chose twelve for his Apostles, by the men in office he was declared to be possessed by a devil; by his own friends, at the same time, he was set down for mad. The like fate, were my conscience to have showed itself more scrupulous than that of the official casuist, was before my eyes. Before the eyes of Jesus stood a comforter—his Father—an almighty one. Before my weak eyes stood no comforter. In *my* father, in whom in other cases I might have looked for a comforter, I saw nothing but a tormentor; by my ill-timed scruples, and the public disgrace that would have been the consequence, his fondest hopes would have been blasted; the expenses he had bestowed upon my education, bestowed in vain. To him I durst not so much as confess those scruples. I signed; but, by the view I found myself forced to take of the whole business, such an impression was made as will never depart from me but with life.”

The difficulty which he thus felt in committing an act which, however sanctioned by custom, his conscience disapproved of, shows that the love of truth was beginning to occupy his mind; but the fact that he did commit an act not approved of by his conscience, proves that it had not taken full possession of his heart. At a maturer age, he would no more have committed such an act to gratify a father, than he would have murdered that father to become his heir.

An anecdote, also related by himself, and which refers to a

nothing whatever relating to any class of subjects that could be presented to his understanding; nothing,

period that almost immediately succeeded the former, shows the further progress of this principle, in the shape of a settled and influential feeling of disinterestedness: it relates to the circumstance that led to his retirement from the bar. “ By the command of a father I entered into the profession, and in the year 1772, or thereabouts, was called to the bar. Not long after, having drawn a bill in equity, I had to defend it against exceptions before a Master in Chancery. ‘ We shall have to attend on such a day,’ said the solicitor to me, naming a day a week or so distant: ‘ warrants for our attendance will be taken out for two intervening days; but it is not customary to attend before the third.’ What I learnt afterwards was, that though no attendance more than *one* was ever bestowed, *three* were on every occasion regularly charged for; for each of the two falsely-pretended attendances, the client being by the solicitor charged with a fee for himself, as also with a fee of 6s. 8d. paid by him to the Master: the consequence was, that, for every attendance, the Master, instead of 6s. 8d., received £1; and that, even if inclined, no solicitor durst omit taking out the three warrants instead of one, for fear of the not-to-be-hazarded displeasure of that subordinate judge and his superiors. True it is, the solicitor is not under any *obligation* thus to charge his client for work not done. He is, however, sure of *indemnity* in doing so: it is accordingly done, of course..... These things, and others of the same complexion, in such immense abundance, determined me to quit the profession; and as soon as I could obtain my father’s permission, I did so: I found it more to my taste to endeavour, as I have been doing ever since, to put an end to them, than to profit by them.”

In this resolution to retire at once from the practice of the profession, he was confirmed by his clear and strong perception of what the office of the barrister really is, of what his functions

however difficult other men thought it, or pretended to think it—or with whatever superstitious, political, or

necessarily require, as the law of the land and the practice of the bar at present are, viz.: THE INDISCRIMINATE DEFENCE OF RIGHT AND WRONG, BY THE INDISCRIMINATE UTTERANCE OF TRUTH AND FALSEHOOD. There is now a deep interest in tracing the workings of this same principle in his very first publication, with indications of which it abounds; and as an illustration of which, I quote the following passage from the *Fragment on Government* :—

“ Perhaps a short sketch of the wanderings of a raw but well-intentioned mind, in its researches after moral truth, may on this occasion be not unuseful ; for the history of one mind is the history of many. The writings of the honest but prejudiced Earl of Clarendon, to whose integrity nothing was wanting, and to whose wisdom little, but the fortune of living something later, and the contagion of a monkish atmosphere ; these, and other concurrent causes, had listed my infant affections on the side of despotism. The genius of the place I dwelt in, the authority of the State, the voice of the Church in her solemn offices ; all these taught me to call Charles a martyr, and his opponents rebels. I saw innovation, where indeed innovation, but a glorious innovation, was, in their efforts to withstand him. I saw falsehood, where indeed falsehood was, in their disavowals of innovation. I saw selfishness, and an obedience to the call of passion, in the efforts of the oppressed to rescue themselves from oppression. I saw strong countenance lent in the Sacred Writings to Monarchic Government, and none to any other ; I saw *passive obedience* deep stamped with the seal of the Christian virtues of humility and self-denial.

“ Conversing with lawyers, I found them full of the virtues of their original contract as a recipe of sovereign efficacy for reconciling the accidental necessity of resistance with the general duty of submission. This drug of theirs they administered to me to calm my scruples ; but my unpractised stomach revolted against

religious reverence and awe they regarded, or affected to regard it, which he did not approach without fear, to the very bottom of which he did not endeavour to penetrate; the mystery regarding which he did not strive to clear away; the real, the whole truth of which, he did not aim to bring to light. Nor was there any consideration—no, not even apparent danger to the cause he advocated, though, by the desertion of friends and the clamour of foes, that cause might seem

their opiate. I bid them open to me that page of history in which the solemnization of this important contract was recorded. They shrunk from this challenge; nor could they, when thus pressed, do otherwise than our author has done—confess the whole to be a fiction. This, methought, looked ill; it seemed to me the acknowledgment of a bad cause, the bringing a fiction to support it. ‘To prove fiction, indeed,’ said I, ‘there is need of fiction; but it is the characteristic of truth to need no proof but truth. Have you, then, really any such privilege as that of coining facts? You are spending argument to no purpose. Indulge yourselves in the license of supposing that to be true which is not, and as well may you suppose that proposition itself to be true which you wish to prove, as that other whereby you hope to prove it.’ Thus continued I, unsatisfying and unsatisfied, till I learnt to see that *utility* was the test and measure of all virtue—of loyalty as much as any; and that the obligation to minister to general happiness was an obligation paramount to, and inclusive of, every other. Having thus got the instruction I stood in need of, I sat down to make my profit of it. I bid adieu to the original contract; and I left it to those to amuse themselves with this rattle, who could think they needed it.”—*Fragm. on Government*, note p. 47 *et seq.*

for a while to be put in jeopardy, that could induce him to conceal any conclusion at which he arrived, and of the correctness of which he was satisfied, or could prevent him from expressing it in the most appropriate language at his command. It was not possible to apply his principle to all the points and bearings of all the subjects included in the difficult and contested field of legislation, government, and morals; to apply it as he applied it, acutely, searchingly, profoundly, unflinchingly, without consequences at first view startling, if not appalling, to strong minds and stout hearts. They startled not, they appalled not him, mind or heart. He had confidence in his guide; he was satisfied that he might go with unfaltering step wherever it led; and with unfaltering step he did go wherever it led. Hence his singleness of purpose; hence, in all his voluminous writings, in all the multiplicity of subjects which have come under his investigation, as well those which he has exhausted, as those which he has merely touched; as well those which are uncomplicated by sinister interests and the prejudices which grow out of them, as those which are associated with innumerable false judgments and wrong affections: hence, in regard to not one of them does a single case occur in which he has swerved from his principle or faltered, or so much as

shown the slightest indication of faltering in the application of it.

That he might be in the less danger of falling under the influence of any wrong bias, he kept himself as much as possible from all personal contact with what is called the world. Had he engaged in the active pursuits of life—money-getting, power-acquiring pursuits—he, like other men so engaged, must have had prejudices to humour, interests to conciliate, friends to serve, enemies to subdue; and therefore, like other men under the influence of such motives, must sometimes have missed the truth, and sometimes have concealed or modified it. But he placed himself above all danger of this kind, by retiring from the practice of the profession for which he had been educated, and by living in a simple manner on a small income allowed him by his father: and when, by the death of his father, he at length came into the possession of a patrimony which secured him a moderate competence, from that moment he dismissed from his mind all further thought about his private fortune, and bent the whole powers of his mind without distraction to his legislative and moral labours. Nor was he less careful to keep his benevolent affections fervent, than his understanding free from wrong bias. He surrounded himself only with

persons whose sympathies were like his own, and whose sympathies he might direct to their appropriate objects in the active pursuits of life. Though he himself took no part in the actual business of legislation and government, yet, either by personal communication or confidential correspondence with them, he guided the minds of many of the most distinguished legislators and patriots, not only of his own country, but of all countries in both hemispheres. To frame weapons for the advocates of the reform of the institutions of his own country, was his daily occupation and his highest pleasure; and to him resorted, for counsel and encouragement, the most able and devoted of those advocates; while the patriots and philanthropists of Europe, as well as those of the New World, the countrymen of Washington, Franklin, and Jefferson, together with the legislators and patriots of South America, speak of him as a tutelary spirit, and declare the practical application of his principles to be the object and end of their labours.

While he availed himself of every means in his power of forming and cherishing a friendship with whoever in any country indicated remarkable benevolence; while Howard was his intimate friend—a friend delighted alike to find and to acknowledge in

him a superior beneficent genius ; while Romilly was not only the advocate of his opinions in the Senate, but the affectionate and beloved disciple in private ; while for the youth Lafayette, his junior contemporary, he conceived an affection which in the old age of both was beautiful for the freshness and ardour with which it continued to glow ; while there was no name in any country known and dear to Liberty and Humanity which was not known and dear to him, and no person bearing such name that ever visited England who was not found at his social board, he would hold intercourse with none of any rank or fame whose distinction was unconnected with the promotion of human improvement, and much less whose distinction arose from the zeal and success with which they laboured to keep back improvement. That the current of his own benevolence might experience no interruption or disturbance, he uniformly avoided engaging in any personal controversy ; he contended against principles and measures, not men ; and for the like reason he abstained from reading the attacks made upon himself, so that the ridicule and scoffing, the invective and malignity, with which he was sometimes assailed, proved as harmless to him as to his cause. By the society he shunned, as well as by that which he sought, he endeavoured to render his social

intercourse subservient to the cultivation, to the perpetual growth and activity, of his benevolent sympathies.

With such care over his intellectual faculties and his moral affections, and with the exalted direction which he gave to both, his own happiness could not but be sure. Few human beings have enjoyed a greater portion of felicity; and such was the cheerfulness which this internal happiness gave to the expression of his countenance and the turn of his conversation, that few persons ever spent an evening in his society, however themselves favoured by fortune, who did not depart with the feeling of satisfaction at having beheld such an object of emulation. Even in his writings, in the midst of profound and comprehensive views, there oftentimes break forth a sportiveness and humour no less indicative of gaiety of heart, than the most elaborate and original of his investigations are of a master-mind :* but this gaiety

* The following passage is not the best illustration of this which might be given, but it is one which happens to be at hand. In his *DEONTOLOGY* (private), in speaking of the manner in which philosophers and moralists have allowed themselves to be deceived by the cheat of words, and have endeavoured to impose the same cheat upon others, he adverts to the *Summum Bonum*, that ancient cheat of the first magnitude, in these words :—

“In what does the *summum bonum* consist? The question was debated by multitudes, debated from generation to gene-

was characteristic of his conversation, in which he seldom alluded, except in a playful manner, to the

ration, by men calling themselves lovers of wisdom—called by others *wise*.

“The *summum bonum*, in what does it consist? What does the term signify?—Nonsense, and nothing more.

“The *summum bonum*—the sovereign good—what is it? The philosopher’s stone, that converts all metals into gold—the elixir of life, that cures all manner of diseases. It is this thing, and that thing, and the other thing—it is any thing but pleasure—it is the Irishman’s apple-pie, made of nothing but quinces.

“If it were any thing, what would it be? Could it be any thing but pleasure; a pleasure, or the cause of pleasure; supreme pleasure—pleasure without pain—happiness maximised? What fool has there ever been so foolish as not to know, that by no man—in no time—at no place—has such a pleasure been found?

“In every walk of discipline, error is a sort of vestibule, through which men are condemned to pass in their approaches towards truth.

“While Xenophon was writing history, and Euclid teaching geometry, Socrates and Plato were talking nonsense, under pretence of talking wisdom and morality. This morality of theirs consisted in words—this wisdom of theirs was the denial of matters known to every man’s experience.

The people were contented to reap common pleasures under the guidance of common sense. They were called ignorant and the vulgar herd, yet they crowded into their existence a balance of well-being, and most of them every now and then a portion of happiness; well-being their ordinary fare—happiness, a slight taste of it, for an occasional feast. This was good enough for the ignorant vulgar; not so for the learned sages—men who, by whatever name they called their own sageships, were called

great subjects of his labours. A child-like simplicity of manner, combined with a continual playfulness of

by others wisest of men (σοφισταί), wise men (σοφοί), or lovers of wisdom (φιλοσοφοί)—holding their heads aloft, and pouring forth their streams of sophistry.

“To the profane vulgar they left the enjoyment of any such pleasures as might fall in their way ; for their own disciples they reserved a thing, a beautiful thing, which they called το επιστον αγαθον, the *summum bonum*, the sovereign good. What was it? Was it pleasure? Oh no! pleasure was not good enough for them ; it was something better than pleasure—and it could not be better without being different from it.

“Now, had their practice been what their preaching was, it could only have been said that they resembled the dog who, snapping at the shadow, lost the substance. But theirs was no such folly : pleasure was good for one thing, *summum bonum* for another ; pleasure was to be enjoyed, *summum bonum* to be talked of. While they were all of them chattering about *summum bonum*, each was amusing himself with his παιδικας. * * *

“It is as amusing to look at some of the contests among men called sages, as it is instructive to trace their results. While, in later times, a set of physical philosophers were hunting for the universal panacea, the moral philosophers were running after their *summum bonum* ; excellent objects both, and all agreed that both were in existence—both were findable—but they did not agree as to where they are to be found.

“‘The idea of good,’ said one, ‘there it is—there the *summum bonum* is to be found. Catch the idea of good, and you have caught the *summum bonum*. And now, having caught it, are you a bit the happier—are you, with your *summum bonum*, happier than the happiest of men who has not got it? But when you have got it, what will you do with it? You need not perplex yourself with the question—it is time enough to know, when you have managed to get it.’”—DEONTOLOGY.

wit, made you forget that you were in the presence of the most acute and penetrating genius ; made you conscious only that you were in the presence of the most innocent and gentle, the most consciously and singularly happy of human beings. And from this the true source of politeness, a benevolent and happy mind, endeavouring to communicate the pleasure of which it is itself conscious, flowed those unobtrusive, but not the less real and observant, attentions of which every guest perceived the grace and felt the charm. For the pleasures of the social board he had a relish as sincere, and perhaps as acute, as those who are capable of enjoying no others ; and he partook of them freely, as far as they are capable of affording their appropriate good, without any admixture of the evils which an excessive indulgence in them is sure to bring. After dinner, it was his custom to enter with his disciple or friend (for seldom more than one, and never more than two, dined with him on the same day) on the discussion of the subject, whatever it might be, which had brought them together ; and it was at this time also, that, in the form of dictation, in relation to those subjects which admit of this mode of composition, his disciple writing down his words as he uttered them, he treated of some of the subjects which have occupied his closest attention, and in the

investigation of which he has displayed the greatest degree of originality and invention. In this manner was composed the greatest part of the *Deontology*, and nearly the whole of his *Autobiography*. At all times it was a fine exercise of the understanding, and sometimes an exquisite gratification of the noblest and best feelings of the heart, to be engaged in this service.

He was capable of great severity and continuity of mental labour. For upwards of half a century he devoted seldom less than eight, often ten, and occasionally twelve hours of every day, to intense study. This was the more remarkable, as his physical constitution was by no means strong. His health, during the periods of childhood, youth, and adolescence, was infirm; it was not until the age of manhood that it acquired some degree of vigour: but that vigour increased with advancing age, so that during the space of sixty years he never laboured under any serious malady, and rarely suffered even from slight indisposition; and at the age of eighty-four he looked no older, and constitutionally was not older, than most men are at sixty;* thus adding another illustrious name to the

* The morbid changes observable in the body after death coincided with this. The state of the blood-vessels and of the viscera was that of a man of sixty years of age, rather than of eighty-five.

splendid catalogue which establishes the fact, that severe and constant mental labour is not incompatible with health and longevity, but conducive to both, provided the mind be unanxious and the habits temperate.

He was a great economist of time. He knew the value of minutes. The disposal of his hours, both of labour and of repose, was a matter of systematic arrangement; and the arrangement was determined on the principle, that it is a calamity to lose the smallest portion of time. He did not deem it sufficient to provide against the loss of a day or an hour: he took effectual means to prevent the occurrence of any such calamity to him; but he did more: he was careful to provide against the loss even of a single minute; and there is on record no example of a human being who lived more habitually under the practical consciousness that his days are numbered, and that "the night cometh, in which no man can work."

The last days of the life even of an ordinary human being are seldom altogether destitute of interest; but when exalted wisdom and goodness have excited a high degree of admiration and love, the heart delights to treasure up every feeling then elicited, and every word in which that feeling was expressed. It had

long been his wish that I should be present with him during his last illness. There seemed to be on his mind an apprehension, that, among the organic changes which gradually take place in the corporeal system in extreme old age, it might be his lot to labour under some one, the result of which might be great and long-continued suffering. In this case, he knew that I should do every thing in my power to diminish pain and to render death easy; the contributing to the *euthanasia* forming, in my opinion, as he knew, no unimportant part of the duty of the physician. On the possible protraction of life, with the failure of the intellectual powers, he could not think without great pain; but it was only during his last illness, that is, a few weeks before his death, that any apprehension of either of these evils occurred to him. From the former he suffered nothing; and from the latter, as little as can well be, unless when death is instantaneous. The serenity and cheerfulness of his mind, when he became satisfied that his work was done, and that he was about to lie down to his final rest, was truly affecting. On that work he looked back with a feeling which would have been a feeling of triumph, had not the consciousness of how much still remained to be done, changed it to that of sorrow that he was allowed to do no more :

but this feeling again gave place to a calm but deep emotion of exultation, as he recollected that he left behind him able, zealous, and faithful minds, that would enter into his labours and complete them.

The last subject on which he conversed with me, and the last office in which he employed me, related to the permanent improvement of the circumstances of a family, the junior member of which had contributed in some degree to his personal comfort; and I was deeply impressed and affected by the contrast thus brought to my view, between the selfishness and apathy so often the companions of age, and the generous care for the welfare of others, of which his heart was full.

Among the very last things which his hand penned, in a book of memoranda, in which he was accustomed to note down any thought or feeling that passed through his mind, for future revision and use, if susceptible of use, was found the following passage :—“I am a selfish man, as selfish as any man can be. But in me, some how or other, so it happens, selfishness has taken the shape of benevolence. No other man is there upon earth, the prospect of whose sufferings would to me be a pleasurable one : no man is there upon earth, the sight of whose sufferings would not to me be a more or less painful one :

no man upon earth is there, the sight of whose enjoyments, unless believed by me to be derived from a more than equivalent suffering endured by some other man, would not be of a pleasurable nature rather than of a painful one. Such in me is the force of sympathy !”

And this “force of sympathy” governed his very last hour of consciousness. Some time before his death, when he firmly believed he was near that last hour, he said to one of his disciples, who was watching over him:—“I now feel that I am dying: our care must be to minimise the pain. Do not let any of the servants come into the room, and keep away the youths: it will be distressing to them, and they can be of no service. Yet I must not be alone: *you* will remain with me, and you only; and then we shall have reduced the pain to the least possible amount.”

Such were his last thoughts and feelings; so perfectly, so beautifully did he illustrate, in his own example, what it was the labour of his life to make others!*

* Such he was at the close of life, when it is difficult to conceal the sincere thoughts of the mind and the real feelings of the heart. A powerful sketch is on record, of what he was half a century ago, when in the vigour of manhood. “If,” says the celebrated Brissot, “the reader has ever endeavoured to picture in his imagi-

But deeply and uniformly anxious as he was to promote the happiness of those over whose hap-

nation those rare men whom Heaven sometimes sends upon the earth to console mankind for their sufferings, and who, under the imperfections of the human form, conceal the brightness of an ethereal nature—such men, for example, as Howard or Benezet—he may perhaps conceive some idea of my friend Bentham. Candour in the countenance, mildness in the looks, serenity upon the brow, calmness in the language, coolness in the movements, imperturbability united with the keenest feelings; such are his qualities. In describing Howard to me one day, he described himself. Howard had devoted himself to the reform of prisons, Bentham to that of the laws which peopled those prisons. Howard said nothing, thought of nothing but prisons; and to better their condition, renounced all pleasures, all spectacles. Bentham has imitated this illustrious example. Selecting the profession of the law, not with the design of practising it, or of acquiring honours and gaining money, but for the purpose of penetrating to the roots of the defects in the jurisprudence of England—a labyrinth through the intricacies of which none but a lawyer can penetrate—and having descended to the bottom of this Trophonian cavern, Bentham was desirous, before proposing his reforms, of rendering himself familiar with the criminal jurisprudence of the other nations of Europe. But the greater number of these codes were accessible only in the language of the people whom they governed. What difficulties can deter the man who is actuated by a desire to promote the public good? Bentham successively acquired nearly the whole of those languages. He spoke French well; he understood the Italian, the Spanish, the German, and I myself saw him acquire the Swedish and the Russian. When he had examined all these wrecks of Gothic law, and collected his materials, he applied himself to the construction of a systematic plan of civil

piness he had personally an influence, yet this feeling never induced him to compromise their higher interests, or the interests of others for their gratification. He scrupled not to give pain, whenever he saw that the good he aimed at producing was worth the infliction, and could not be procured without it. That the disposal of his body, which has brought it to this place, and which has called us together to express our admiration of the act and our gratitude for it, would give pain to some for whom he entertained a sincere affection, he knew; but he also knew that the amount of pain thus produced would be overbalanced by the good likely to result from such an example. He had a great regard for the science of medicine: how could it be otherwise with one whose thoughts

and criminal law, founded entirely upon reason, and having for its object the happiness of the human race."

This account was written by Brissot in the year 1793. The editor of the works of Brissot, in the year 1830, adds this commentary:—"A few years ago, Jeremy Bentham was in Paris. We had then the opportunity of ascertaining that the portrait which Brissot has given of him is by no means exaggerated. Never did a nobler countenance, or a more venerable head, present to the eye the material type of loftier virtues or a purer soul; nor was so prodigious a reputation ever more justly merited. Bentham should not only be regarded as one of the profoundest lawyers that ever lived, but as one of those philosophers who have done most for enlightening the human race and for the advancement of liberty in his own times."

were so constantly employed on the promotion of human happiness, and the mitigation of human suffering? He knew that the basis of medicine is anatomy, and that the only means of acquiring a knowledge of anatomy is through dissection. He had an utter contempt of the prejudices which withhold the means of pursuing dissection. He was satisfied that there is but one way of putting those prejudices down; and that is, that those who are above them should prove it by giving their own bodies for dissection. He therefore determined to set the example. He was aware of the difficulties that might obstruct his purpose; he provided against them. He chose three friends, to whom he was tenderly attached, and on whose firmness he thought he might rely. He prepared them for opposition and even for obloquy. He asked them whether their affection for him would enable them to brave whatever portion of either, or of both, might fall to their share in carrying his wish into effect. They assured him, that neither opposition nor obloquy should deter them from performing what he required to the letter. “Then,” said he, “I charge you, by your affection for me, to be faithful to this pledge.” They have been faithful to it.

Could a mind like his direct its attention to such a subject, and arrive at any other conclusion than that

which he adopted? Health is the first of human enjoyments ; it is indispensable to all the rest. Disease not only produces physical pain; not only shortens and ultimately destroys life, with the cessation of which the existence of pleasure is of course at an end; but the psychological influence of disease, the influence which it exerts over the trains of thought, over the associations and affections of the mind, is oftentimes far greater than the physical.

No rational provision can be made for the preservation of the health, and the cure of disease, which is not founded on a knowledge of those vital actions on which health depends, and of the interruptions or modifications of those actions which constitute disease. But all the actions of the living body are carried on by the instrumentality of organs. Organs are living agents, whose action constitutes function. These organs, for the most part, are concealed from the view. Life depends on their integrity; their structure is complex and delicate : whence they are enclosed in cavities, placed under the shelter of bones, protected by muscles, covered by integuments, and consequently entirely concealed from sight. The brain and spinal cord, the central masses of the nervous system, are contained in the bony cavities of the skull and spinal columns. The lungs and the heart are enclosed in

the chest ; the stomach, the intestines, the liver, the spleen, are contained in the abdomen. The coverings which protect these important organs from external violence, necessarily place them beyond our sight : their situation, their relations, their actions, cannot possibly be known unless the dead body be opened and examined.

But it is not the superficial inspection of these organs that will enable us to understand their functions ; it is often indispensable to discover their intimate structure. Not merely dissection, therefore, but minute and delicate dissection, is, in many cases, requisite.

No one now disputes that the dissection of the human body, to such an extent as is necessary to afford an intimate acquaintance with its structure, and with the mutual relations of all its parts, is indispensable to the surgeon and physician. To undertake the duties of either department of the healing art without having acquired such knowledge, is now considered not a folly, but a crime. The diseases of blood-vessels, the wounds of arteries, the mode of stopping hæmorrhage, the displacement of the viscera by external violence or internal disease, the return of these viscera to their natural situations, the retention of them there by appropriate means, the morbid

changes which take place in the progress of disease in the alimentary canal, especially of children, and which lead to the effusion of water into the brain, the various modifications of fever, the diversities of treatment required by each modification of this prevalent and fatal malady, would afford, were there time to enter into the requisite details, striking illustrations of the absolute necessity of dissection, to guide the surgeon and physician: but as these details have been entered into elsewhere,* it is now only necessary that I should advert to the sources of that unreasonable disgust at dissection, which has so greatly obstructed, and which does still to so large an extent obstruct, the acquisition of the knowledge of anatomy and physiology.

At the bottom of this prejudice is the vulgar notion that, after death, the features undergo some repulsive change, and that the body becomes an object of disgust. On the contrary, after the last struggles of expiring life are over, whatever be the nature of the change which the fluids and solids immediately undergo, the first effect is to increase and soften the delicacy of the skin to such a degree, as to render it in a manner transparent; while the calm and placid aspect which the features assume, gives to the coun-

* See "Use of the Dead to the Living," 3d edition.

tenance an expression of beauty not before possessed by it—a beauty increasing in proportion to the exquisiteness of the form, and the mildness and dignity of the expression natural to the individual. This has not escaped the eye of the poet, and can have escaped the notice of no observing person who has ever contemplated the form and features of the dead.

“ He who hath bent him o’er the dead,
 Ere the first day of death is fled—
 Before Decay’s effacing fingers
 Have swept the lines where beauty lingers,
 And mark’d the mild angelic air—
 The rapture of repose that’s there—
 The fix’d yet tender traits that streak
 The languor of the placid cheek ;
 And, but for that sad shrouded eye,
 That fires not—wins not—weeps not—now ;
 And but for that chill, changeless brow,
 — — — — —
 He still might doubt the tyrant’s power,
 So fair—so calm—so softly seal’d
 The first—last look—by death reveal’d !”

Where the dread of being in the presence of the dead has amounted to an exceedingly painful feeling, I have more than once succeeded in removing it by prevailing on the person labouring under the wrong impression, to contemplate steadily, for a few minutes, the countenance of the friend he has lost. I have

always observed the effect on the afflicted mind to be soothing in a high degree, and never in a single instance have I witnessed the production of any thing approaching to the feeling of disgust. If there be any one present who has never looked on death before, let him now behold it as it appears in that revered and beloved countenance. Behold there a body pure and innocent as that of the babe ; never stained by an excess, never deformed by affording even a momentary abode to a malevolent passion. Behold there a countenance which, half a century ago, produced on all who looked on it the impressions and emotions so powerfully described by Brissot. Time and labour, time spent as his, labour such as his, have but added to its benignity and majesty. Pallid as it now is in death, can you look on the sweetness, the dignity of its expression, and ever forget it ? Can you dread the aspect of death assuming such a shape ? Can you conceive that any thing bearing the remotest resemblance to degradation can attach to that body, devoted, by the mind that animated it, to the illustration, for the sake of human happiness, of the still more beautiful structure that lies concealed beneath that beautiful exterior ?

But you will tell me, that it is not the aspect of death which renders the thought of the dissection of

the body painful, so much as the associations which are connected with the person of whomsoever we regard with respect and affection. It is with the corporeal frame that our senses have been familiar; it is on this that our eye has so often rested with pleasure; it is this which has so often been the medium of conveying to our hearts delicious emotions. By no effort can we separate our idea of the peculiarities and actions of our friend from the idea of his person: the two impressions have been so constantly excited together, that they have mixed and mingled until they are one. For this very reason it is, that every thing which has been associated with my friend acquires a value from *that* consideration—his ring, his watch, his books, and his habitation. The value of these, as having been his, is not merely fictitious; they have an empire over my mind. They can make me happy or unhappy; they can torture or they can tranquillise; they can purify my sentiments, and make me similar to the man I love. They possess the virtue which the Indian is said to attribute to the spoils of him he kills; they are capable of inspiring me with the powers, the feelings, and the heart of their preceding master.

What though this body, with which are connected so many delightful associations, be a senseless mass of

matter! What though the spirit which animated it, and which rendered it dear to my affections, be gone! I know that it is gone. I know that I never more shall see the light of intelligence brighten that countenance, nor benevolence beam in that eye, nor the voice of affection sound from those lips: that which I loved, and which loved me, is not here! But here are still the features of my friend, and this is his form; and the very particles of matter which compose this dull mass, a few hours ago were a real part of him, and I cannot separate them in my imagination from him; and I approach them with the profounder reverence, and I gaze upon them with the deeper affection, because they are all that now remain to me. I would give all that I possess, to purchase the art of preserving the wholesome character and rosy hue of this form, that it might be my companion still: but if this be impossible, I will not detain it from the tomb. I will cast a heap of mould upon the person of my friend, and take the cold earth for its keeper; I will visit the spot in which it is deposited with awe, and evermore it shall be sacred to my imagination and dear to my heart!*

* See a beautiful little *Essay on Sepulchres*, by William Godwin. At present we manage badly every thing relating to the dead. We dig a pit, we place the body therein in the midst of the earth

For such feelings there is a foundation in the human heart. They belong, however, to that class of feelings which require control, and sometimes even sacrifice. If, by any appropriation of the dead, I can promote the happiness of the living, then it is my duty to conquer the reluctance I may feel to such a disposition of the dead, however well-founded or strong that reluctance may be. The lesser evil must be chosen in preference to the greater. We may cause pain by doing that which is right, but we shall cause still greater pain by doing that which is wrong.

It was under the influence of these feelings that our venerated friend acted. It is under the influence of these feelings that we have acted, who have been entrusted by him with the execution of his will. How is it to be expected that the uninstructed and ignorant—that those whose minds are full of prejudice and error, and whose habit of yielding to every impulse

we throw up, we allow the process of decomposition to go slowly on, and all this suggests to the fancy nothing but gloomy and disgusting images. The burning the body on a funeral pile, not only removes all possibility of mischief to the living, but many of the most painful associations connected with the thought of the dead; while the preservation of the ashes, a real part of the body, capable of being kept for ever in a form no longer offensive, might be associated with innumerable pleasurable, instead of painful, trains of ideas.

renders them the victims of violence—how is it to be expected that this unfortunate class of our fellow-men, hitherto in all ages and communities too large a class, will sacrifice their own feelings for the public good, when the best-instructed and the best-regulated minds shrink from the obligation? We foster the prejudices of the ignorant; we sympathise with the feelings that have their origin in this prejudice and ignorance; we ourselves act from impulse, without regard to consequences, without reference to the happiness prevented, to the pain produced and perpetuated; and then we wonder at the depth and strength of the obstacles which we thus build up with our own hands. It is our duty, not by legislative enactments to force others to submit to that which we are unwilling should be done to ourselves, but to set the example of making a voluntary sacrifice for the sake of a good which we profess to understand and appreciate.*

* Since this Lecture was delivered, the Anatomy Bill has passed into a law. This Bill will remove the main difficulties which obstruct the study of anatomy. A few more such examples as that set by Bentham, and all difficulties will cease. To Mr. Warburton, who first procured a parliamentary inquiry into the subject, and next introduced and carried the Anatomy Bill safely through the House of Commons, the medical profession and the public owe no small debt of gratitude.

That the last act of this illustrious man was a special and solemn act of conformity to this principle, will ultimately detract nothing from the splendour of his fame. Should any portion of ridicule attach to it at present, it will give place hereafter to the feelings of respect and gratitude, a change which has already so often happened to him; and the feeling of the present time is, in reference to him, of slight moment: he is for all time, and the more time advances, the greater will be the estimation in which he will be held, because the improvement of the people, to which he will so largely have contributed, will enable them better to understand the nature and extent of their obligations to him.

THE END.

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By the same Author,

A TREATISE ON FEVER.

"Of all the diseases to which the human body is subject, Fever is the most prevalent and the most fatal. It is computed that one-half of the human race perish by this malady in its different forms. These forms are so diversified that the most opposite opinions have been maintained by physicians relative to its true nature and its proper treatment. That nature can be ascertained and the proper remedies can be discovered only by carefully observing the malady as it prevails among large numbers, and by faithfully recording the phenomena it exhibits. There pass through the wards of the London Fever Hospital upwards of six hundred fever patients every year. In order that an average of results might be obtained, a period of four years has been chosen, the cases comprehended in this period amounting to upwards of two thousand five hundred: these cases were all visited three times every day, the resident medical officer going round the wards night and morning, and each patient being seen daily by the physicians. The symptoms are recorded day by day in a journal kept for the purpose. The cases that proved fatal were inspected a few hours after death: the morbid changes that had taken place in the different organs were likewise recorded, in order that these organic changes might be compared with the symptoms they produced during life. More than one hundred inspections, made in this manner, are described, the whole exhibiting a complete view of the pathology of fever, as far as that pathology is yet ascertained. It is the object of the present work to establish from these data what the real phenomena are which constitute the disease; in what order these phenomena occur; upon what states of what organs they depend; what are the external signs by which the existence of these internal states is denoted; and, finally, what are the causes and what the remedies of the disease. . . . To collect extensively, lucidly to arrange, accurately to discriminate, and thus to prepare for, and arrive at, a general proposition, are mental operations for which Dr. Smith has already shown far more than ordinary aptitude. . . . While the study of this work must be a matter of duty to the members of the medical profession, the general reader will find it perfectly intelligible, interesting, and convincing, and, in many particulars, of great practical utility."—*Month. Repos. and Rev.*, March.

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solicit the attention of the public, as well as of the profession, to this work. The author merits the reward of a double service, by arriving at important truth amid much popular error, and by laying this truth before the world in a diction and with a demonstration which most powerfully recommend it to the judgment. It brings forward the opinions of conflicting sects with equal candour and perspicuity: it subjects to the ordeal of reason what experience cannot reach, and it tests by experience what reason has approved: it neither devotes itself to empty speculation nor to abstract dogmatism: its business is with practical truth. Where novel opinions are hazarded, the arguments which convinced the writer are laid before his reader: where old opinions are impugned, the reasons for objection are fully stated: no doctrine, however roughly handled, is condemned by mere authority; no assertion, however feasible, is suffered to go forth unsustained by evidence."—*West. Rev.*, April.

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